



**National Mining Association\***  
Foundation For America's Future

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Chair, Council on Environmental Quality  
Executive Office of the President  
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Attention: The Energy Task Force

These comments are submitted on behalf of the National Mining Association (NMA) in response to a Request for Comments published in the Federal Register, Aug. 20, 2001 (Fed. Reg. Vol. 66, No. 161, p. 43586). Specifically the request invited comments on implementation of Executive Order 13212 which established an interagency task force to "work with and monitor federal agencies efforts to expedite their review of permits or take other actions necessary to accelerate the completion of energy related projects, while maintaining safety, public health, and environmental protection."

The National Mining Association represents producers of over 80 percent of America's coal, a reliable, affordable, domestic fuel used to generate over 50 percent of the electricity used in the nation today. Our members also produce another form of energy - uranium that is the source of just over 20 percent of our electricity supply. NMA represents companies that produce metals and various essential minerals and companies that are among the nation's larger industrial energy consumers. In addition, NMA members include manufacturers of processing equipment, machinery and supplies, transporters, and engineering, consulting and financial institutions serving the mining industry.

NMA supports the Administration's efforts to expedite the energy projects that are so necessary to our nation's future. Our national security depends on reliable and sufficient supplies of domestic energy. As every analysis shows, the strength of our economy over the last decade has been due in no small part to the availability of reasonably priced energy that is essentially available on demand. We need to ensure that energy will continue to be reliably available at affordable prices in the future to support our economy as the nation moves forward and returns to a period of growth. And, we believe that energy can be made available on an expedited basis without compromising safety, public health or the environment.

Domestic, affordable coal currently supplies over one half of the nation's electricity. Electricity demand is forecast to increase significantly over the next two decades as both industry and households substitute electricity for direct use of fuels. Coal-fired electricity, the most affordable form of electricity, and which, with advanced technologies can be generated with lower emissions and less effect on the environment than today, can play a greater role in meeting electricity demands in the future.

To make certain that coal is available when needed by the electric generating sector, it is important that new coal mines be permitted in a timely manner. It is equally important that mines already operating be allowed to complete expansion plans on an expedited basis.

Coal generating capacity also needs to be put on the fast track. According to the National Energy Policy Report of the National Energy Policy Development Group, over 300,000 MW of new capacity will be needed to replace older capacity being retired and to meet new demand. Coordination of permitting procedures at the state and national level will help assure that these facilities are built.

National Mining Association is not directly involved in any specific energy project, although many of our members are. For this reason, comments are limited to broad areas which affect coal mining operations.

The first recommendation is to include coal mining operations in the areas being reviewed by the Task Force. As pointed out, the 1 billion plus tons of coal mined each year in the United States supplies the fuel for over one half of the affordable electricity used by business and households throughout the nation. This production capacity must be maintained and expanded to meet new demands that are anticipated over the next several years.

Coal is produced on private and federal lands in 26 states located in most regions of the nation - in the Appalachian region, in the Midwest, and in many states located in the west. While coal reserves and mines in the Appalachian region and in the Midwest are by and large on privately held lands, much of the coal in the west is mined from reserves located on federal lands where actions by the Federal Government make can make a specific difference.

The Task Force can take steps to expedite leasing reserves and permitting coal mines on Federal lands by ensuring coordination among federal land management agencies and between these agencies and federal and state regulators. The Task Force should also take steps to identify areas where coordination of federal and state responsibilities is necessary to expedite projects located on privately held lands.

The mining industry must deal with both Federal and State agencies in order to obtain permits for new and ongoing projects and also to comply with those permits that have already been issued. Improvements in processing applications would enable the industry to decrease the development time required for new projects and also to devote more time to increasing the efficiency of the operations. These potential cost reductions might then be passed to the public in the form of lower rates and a more readily available supply of electricity. Most states have received primacy from the Federal government in order to adopt regulations, which were not only as stringent as the Federal regulations, but were also more relevant to conditions in the individual states. Federal agencies were to assume an oversight position to ensure that State programs continued to remain in compliance with Federal standards. However, this relationship has in many instances, evolved into one that duplicates the processes that were to be delegated.

This conflicting association between Federal and State agencies has been the subject of confusion and consternation in the mining industry and needs to be resolved to eliminate duplication, streamline processes and foster a spirit of cooperation among Federal, State and industry personnel. A review panel comprised of all interested parties should be established to accomplish these tasks.

The Task Force should extend its focus beyond new projects to include existing projects that have been experiencing permitting or regulatory problems when seeking to expand. Actions can be taken to:

- Provide flexibility in allowing federal officials to reduce NEPA requirements where controversy has been minimized or eliminated. Provide flexibility in the emerging waiver policy where it is clear that environmental impacts will be reduced.

- Complete the review of the Forest Service roadless area conservation rule and transportation policy on an expedited basis and ensure that coal mining operations are not prematurely closed due to implementation of the rule. In the interim, ensure that the rule is not used as an excuse to delay decisions regarding permitting and approvals of mining operations.

Finally, NMA recommends that the Task Force review the information and data required of coal operations to ensure that duplication is eliminated in as much as possible.

For example, the Department of Justice requires all lease applicants to complete detailed information on coal reserves in place on the land to be leased. This information is also required in various forms for the Department of Interior and by the state in which the lease is located. A singular database for this type of information would be useful for all federal and state agencies and would certainly speed approval of permits.

These are but a few of the examples of steps that the Task Force can take to expedite coal mining projects while still maintaining the level of environmental protection so important to our society. We would be pleased to answer any questions you may have or to expand further on these points.

Sincerely,



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